

*** NOT FOR PUBLICATION ***

NO. 25828

IN THE SUPREME COURT OF THE STATE OF HAWAII

HOMAYON TAVAKOLI, M.D., KIHEI MEDICAL SERVICES, INC., AND URGENT CARE MAUI, INC., Plaintiffs-Appellants and Cross-Appellees

vs.

HAWAII MEDICAL SERVICE ASSOCIATION; HEALTH PLAN HAWAII, Defendants-Appellees and Cross-Appellants

and

JOHN DOES 1-99; JANE DOES 1-99; DOE ENTITIES 1-20; AND DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 02-1-0460)

ORDER DISMISSING CROSS-APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the Honorable Joseph E. Cardoza's "Order Denying Without Prejudice Defendants Hawaii Medical Service Association's and Health Plan Hawaii's Motion for Judgment on the Pleadings Filed January 31, 2003," filed April 17, 2003, is not an appealable final order under HRS § 641-1(a) (1993), nor is it certified for interlocutory appeal pursuant to HRS § 641-1(b) (1993). It further appears that part "B" of the Honorable Joseph E. Cardoza's "Order Granting in Part and Denying Without Prejudice in Part Defendants Hawaii Medical Service Association's and Health Plan Hawaii's Motion to Dismiss or in the Alternative, to Compel Individual Arbitration and Stay All Proceedings Filed

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January 31, 2003," filed April 17, 2003, is also not an appealable final order under HRS § 641-1(a) (1993), nor is it certified for interlocutory appeal pursuant to HRS § 641-1(b) (1993). Therefore,

IT IS HEREBY ORDERED that the Defendants/Appellees/Cross-Appellants Hawaii Medical Service Association and Health Plan Hawaii's cross-appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 28, 2003.